

KALMBACH LINKED TO DESTRUCTION OF CAMPAIGN DATA

Nixon Attorney at the Time
Reportedly Acted Before
New Financing Law
MAY 4 1973
DONORS WERE SHIELDED

Action Could Be Violation
of Federal Act in Effect
When It Occurred
NYTimes

By SEYMOUR M. HERSH

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WASHINGTON, May 3 — Herbert W. Kalmbach, who was President Nixon's personal attorney until a few days ago, has told Government investigators that he destroyed all his campaign finance records before the new Federal campaign finance law took effect April 7, last year, sources close to the case said today.

The sources reported that Mr. Kalmbach had said that he destroyed the records to prevent any public disclosure of the donors' names. Such destruction of records could be a violation of the 1922 Federal Corrupt Practices Act, which calls for maintenance of such files for at least two years. The Corrupt Practices Act expired when the new law went into effect.

It could not be immediately determined whether the data in the destroyed records were duplicated in other records.

The maximum penalty for the accidental destruction of such records under the old act was a fine of \$1,000 or one year's imprisonment. The deliberate destruction of the records could result in a fine of \$10,000 or two years in jail. Some lawyers said these penalties would still apply.

Explanation by Associate

Some officials have estimated that the Committee for the Re-election of the President collected more than \$22-million before the April 7, 1972, reporting deadline.

In an interview today, one of Mr. Kalmbach's close associates acknowledged that the files had been destroyed and explained it this way:

"If a man says to you, 'I want to help the Presidente but I don't want it known' and you assure his confidentiality, you've got to assure that confidentiality."

The associate said that Mr. Kalmbach had destroyed "everything that he had" in connection with the contributions before the April deadline.

The documents were destroyed, the associate said, both in Mr. Kalmbach's office in the re-election headquarters, where he served as associate chairman of the Republican finance committee, and in his private offices in Newport Beach, Calif., where he maintained a private law practice. Most of his funds were reportedly raised among wealthy Republicans living in Southern California.

Mr. Kalmbach did not return a reporter's telephone call to Ziegler, the White House press secretary, told newsmen in response to a question that the

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Nixon Aide Linked to Data Destruction

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lawyer was no longer handling legal matters for the President.

As Mr. Nixon's counsel, Mr. Kalmbach was reported to have had wide access to and great influence with Mr. Nixon. It was Mr. Kalmbach, for example, who handled details on the purchase of the Nixon residence in San Clemente, Calif.

Maurice H. Stans, finance chairman of Mr. Nixon's campaign at the time the documents were destroyed, was unavailable for comment. "We have no information that any records were destroyed."

Mr. Kalmbach is known to have provided cash payments to Donald H. Segretti, the leader of a sabotage and espionage team that operated in late 1971 and early 1972.

Asked to Raise More

Mr. Kalmbach reportedly controlled a secret fund of up to \$500,000 that was used in part to pay for Mr. Segretti's political spying and disruptions early in the 1972 Presidential campaigns. The Segretti operation is believed to have been controlled by H. R. Haldeman, the White House chief of staff who resigned this week.

In addition, Government investigators say that they have now established that Mr. Kalmbach was asked to raise additional funds after the June 17, 1972, break-in at the Watergate. These funds were to help the seven arrested men pay their attorneys and to keep the defendants silent.

Mr. Kalmbach is known to be under grand jury investigation for his alleged role in what sources have described as a conspiracy to obstruct justice in connection with the initial Federal investigations into the bugging.

Sources reported he testified to the grand jury about 10 days ago and also recently gave a statement to investigators for the select Senate committee looking into the Watergate case. Mr. Kalmbach's attorney, James H. O'Connor of Phoenix, Ariz., confirmed the report of his client's testimony, but refused to discuss the matter.

The information about the destruction of campaign finance records stunned attorneys for

two groups that have sued the Republican re-election committee over the pre-April records.

Mitchell Rogovin, general counsel of Common Cause, a public interest group that recently filed a contempt of court motion in an attempt to force disclosure of the documents, described himself tonight as incensed over the reported destruction.

"I'm outraged," he said, "that Maurice Stans would allow any records to be destroyed. He's a man wise in the status of the law and to allow such a flagrant act to take place just shocks me."

Question of Other Records

Mr. Rogovin declared that he would press Mr. Stans to determine whether the Republican Committee has maintained any subsidiary records of the contributors and the amounts given.

William A. Dobrovir, attorney for three consumer groups that sued the Nixon Administration in connection with a 1971 increase in the price of milk, said

he thought the destruction "was terrible."

"It strikes me as an admission that there is something in those records that he didn't want to see the light of day," he added. "Their destruction reflects improper or illegal activities by someone."

The consumers' group had subpoenaed Mr. Kalmbach recently for all of his pre-April contribution records in connection with their allegation that the White House permitted a price increase in milk in return for unreported 1972 campaign contributions.

The re-election committee was charged by the Justice Department yesterday with failing to report and maintain records on a \$200,000 campaign contribution by Robert L. Vesco, the New Jersey financier. Earlier, the committee had pleaded no contest to charges that it had improperly handled payments to G. Gordon Liddy and other members of the Watergate break-in and was fined a total of \$7,000.